

**SUBSTITUTE FOR
SENATE BILL NO. 692**

A bill to provide for the protection of certain individuals through the licensing and regulation of certain camps and camp programs; to provide for the establishment of standards of certain camps and camp programs; to require the promulgation of rules; to provide for the powers and duties of certain state and local governmental officers and entities; to create the camp licensing fund and to provide for contributions to and expenditures from the fund; to provide certain immunity from liability; and to prohibit certain conduct regarding reporting and provide penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act may be cited as the "camp licensing act".
2 Sec. 2. As used in this act:
3 (a) "Administrator" means an individual that has oversight of



1 day-to-day camp management and ensures compliance with this act and
2 rules promulgated under this act.

3 (b) "Adult residential camp" means a type of residential camp
4 with the approved capacity to receive more than 4 adult campers who
5 are provided care and supervision in a natural environment.

6 (c) "Camp" means a camp program operated at a campsite, or a
7 day camp, residential camp, or travel camp conducted in a natural
8 environment.

9 (d) "Camp program" means a program that receives more than 4
10 campers for care and supervision, apart from the camper's parents,
11 relatives, or guardians, for 5 or more days in a 14-day period,
12 stationed in a campsite or as a travel camp.

13 (e) "Camper" means a youth camper; or an adult camper who is
14 at least 18 years of age, has a mental health disorder, is
15 developmentally disabled, or is physically disabled.

16 (f) "Campsite" means the area of a natural environment located
17 where a camp primarily operates, including, but not limited to,
18 land, bodies of water, indoor and outdoor facilities, furnishings,
19 and installations that support outdoor living or activities.

20 (g) "Care" means continual responsibility of the licensee to
21 take reasonable action to ensure the health, safety, and well-being
22 of a camper while attending camp, including protection from
23 physical harm, emotional harm, and personal exploitation under the
24 supervision of the licensee or staff of the licensee.

25 (h) "Conviction" means a final conviction, the payment of a
26 fine, a plea of guilty or nolo contendere if accepted by the court,
27 a finding of guilt for a criminal law violation or a juvenile
28 adjudication or disposition by the juvenile division of probate
29 court or family division of circuit court for a violation that if



1 committed by an adult would be a crime, or a conviction in a tribal
2 court or a military court.

3 (i) "Criminal history check" means a fingerprint-based
4 criminal history record information background check through the
5 department of state police and the Federal Bureau of Investigation,
6 including, but not limited to, latent fingerprint searches.

7 (j) "Criminal history record information" means that term as
8 defined in section 1a of 1925 PA 289, MCL 28.241a.

9 (k) "Day camp" means a camp program for youth campers located
10 at a campsite where care and supervision are provided each day for
11 more than 4 hours a day with no overnight sleeping.

12 (l) "Department" means the department of licensing and
13 regulatory affairs.

14 (m) "Developmentally disabled" means a severe and chronic
15 disability that causes physical, learning, or behavioral
16 impairment, that begins during an individual's developmental
17 period, that usually lasts throughout an individual's lifetime, and
18 that causes an individual to require care and supervision overseen
19 by a parent or guardian.

20 Sec. 3. (a) "Guardian" means an individual granted authority
21 over another individual by legal instrument or court of law.

22 (b) "Guest" means an individual at a camp, regardless of the
23 individual's role, who is supervised by an adult staff member when
24 campers are at camp.

25 (c) "High-risk special investigation" means an investigation
26 that the department conducts regarding 1 or more of the conditions
27 listed in section 8(3) of the child protection law, 1975 PA 238,
28 MCL 722.628.

29 (d) "Ineligible conviction" means any of the following:



1 (i) A conviction for any of the following crimes unless 15
2 years or more have lapsed from the date the convicted individual
3 completed all of the terms and conditions of sentencing for that
4 conviction before the date of application for employment, the date
5 of granting clinical privileges, or the date of the execution of a
6 contract:

7 (A) A felony that involves the intent to cause death or
8 serious impairment of a body function, that results in death or
9 serious impairment of a body function, that involves the use of
10 force or violence, or that involves the threat of the use of force
11 or violence.

12 (B) A felony involving cruelty or torture.

13 (C) A felony under chapter XXA of the Michigan penal code,
14 1931 PA 328, MCL 750.145m to 750.145r.

15 (D) A felony involving criminal sexual conduct.

16 (E) A felony involving abuse or neglect or a misdemeanor
17 involving abuse or neglect of a vulnerable adult.

18 (F) A felony involving the use of a firearm or dangerous
19 weapon.

20 (G) A felony involving the diversion or adulteration of a
21 prescription drug or other medication.

22 (H) A felony under section 227b of the Michigan penal code,
23 1931 PA 328, MCL 750.227b.

24 (I) A state or federal crime that is similar to a crime listed
25 under sub-subparagraph (A) to (H).

26 (ii) Except for a conviction described under subparagraph (i), a
27 conviction for any of the following crimes unless 10 years or more
28 have lapsed from the date the convicted individual completed all of
29 the terms and conditions of sentencing for that conviction before



1 the date of application for employment, the date of granting
2 clinical privileges, or the date of the execution of a contract:

3 (A) A misdemeanor under chapter XXA of the Michigan penal
4 code, 1931 PA 328, MCL 750.145m to 750.145r.

5 (B) A misdemeanor involving criminal sexual conduct.

6 (C) Except as provided in subparagraph (iv) (A), a misdemeanor
7 involving cruelty or torture.

8 (D) A misdemeanor involving abuse or neglect.

9 (E) A misdemeanor involving a vulnerable adult as a victim.

10 (F) A misdemeanor or felony for a violation of this act.

11 (G) A state or federal misdemeanor that is similar to a
12 misdemeanor listed under sub-subparagraph (A) to (F).

13 (H) A felony other than a felony for nonpayment of child
14 support.

15 (iii) Except for a conviction described under subparagraph (i)
16 or (ii), a conviction for any of the following misdemeanors unless 5
17 years or more have lapsed from the date of conviction to the date
18 of application for employment, the date of granting clinical
19 privileges, or the date of the execution of a contract:

20 (A) A misdemeanor involving cruelty if the individual was less
21 than 16 years of age at the time of the conviction.

22 (B) A misdemeanor involving embezzlement.

23 (C) A state or federal misdemeanor that is similar to a
24 misdemeanor listed under sub-subparagraph (A) or (B).

25 (iv) Except for a conviction described under subparagraph (i)
26 or (ii), a conviction for any of the following misdemeanors unless 3
27 years or more have lapsed from the date of conviction to the date
28 of application for employment, the date of granting clinical
29 privileges, or the date of the execution of a contract:



1 (A) A misdemeanor involving assault.

2 (B) A misdemeanor under part 74 of the public health code,
3 1978 PA 368, MCL 333.7401 to 333.7461, if the individual convicted
4 was 18 years of age or older at the time of the conviction.

5 (C) A misdemeanor involving the possession or delivery of a
6 controlled substance, if the individual convicted was 18 years of
7 age or older at the time of the conviction.

8 (D) A state or federal misdemeanor that is similar to a
9 misdemeanor listed under sub-subparagraph (A) to (C).

10 (v) Except for a conviction described under subparagraphs (i)
11 to (iii), a misdemeanor under part 74 of the public health code, 1978
12 PA 368, MCL 333.7401 to 333.7461, or any other misdemeanor
13 involving the possession or delivery of a controlled substance, if
14 the individual was less than 18 years of age at the time of the
15 conviction.

16 (vi) An order or disposition under section 16b of chapter IX of
17 the code of criminal procedure, 1927 PA 175, MCL 769.16b.

18 (vii) A substantiated finding of neglect, abuse, or
19 misappropriation of resident property by an agency of this state or
20 a federal agency under 42 USC 1395i-3 or 1396r.

21 (e) "Legal entity" means a governmental entity, sole
22 proprietorship, partnership, corporation, limited liability
23 company, or any other nongovernmental entity authorized to conduct
24 business in this state.

25 (f) "Licensee" means an individual or legal entity that has
26 been issued a license under this act to operate a camp.

27 (g) "Licensee designee" means the individual designated in
28 writing by a legal entity to act on behalf of the legal entity on
29 licensing matters. The individual must agree in writing to be



1 designated as the licensee designee.

2 (h) "Listed offense" means that term as defined in section 2
3 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

4 (i) "Mental health disorder" means a diagnosed mental health
5 condition or disorder that affects an individual's mood, thinking,
6 and behavior, and that causes an individual to require care and
7 supervision overseen by a parent or guardian.

8 Sec. 4. (a) "Natural environment" means an out-of-doors
9 setting where a camp is run at least 51% of the time.

10 (b) "Noncompliance" means a violation of this act, rules
11 promulgated under this act, or the terms of a license.

12 (c) "Physically disabled" means a diagnosed, substantial, and
13 long-term condition that affects a part of an individual's body,
14 that impairs and limits that individual's physical functioning,
15 mobility, stamina, or dexterity, and that causes an individual to
16 require care and supervision overseen by a parent or guardian.

17 (d) "Program director" means an individual that assists with
18 the management of the day-to-day operations for a camp program or
19 campsite.

20 (e) "Provisional license" means a license issued to a camp
21 that is temporarily unable to conform to the rules promulgated
22 under this act.

23 (f) "Regular license" means a license issued indicating that
24 the camp is in substantial compliance with this act and all rules
25 promulgated under this act.

26 (g) "Relative" means in the relationship by blood, marriage,
27 or adoption, as parent, grandparent, great-grandparent, great-
28 great-grandparent, aunt or uncle, great-aunt or great-uncle, great-
29 great-aunt or great-great-uncle, sibling, stepsibling, nephew or



1 niece, first cousin or first cousin once removed, and the spouse of
2 any of the individuals described in this definition, even after the
3 marriage has ended by death or divorce.

4 (h) "Residential camp" means a camp program conducted at a
5 campsite that provides care and supervision to campers each day for
6 at least 12 hours a day with overnight sleeping.

7 (i) "Staff member" means either a paid employee or volunteer
8 of a camp who may have unsupervised access to campers.

9 (j) "Substantial noncompliance" means repeated violation or
10 noncompliance of this act, rules promulgated under this act, or
11 terms of a license that may jeopardize the health, safety, care,
12 treatment, maintenance, or supervision of campers.

13 (k) "Supervision" means a licensee's continual responsibility
14 to reasonably know, commensurate on a camper's maturity, physical
15 condition, or mental abilities, the whereabouts and management of
16 the camper.

17 (l) "Temporary license" means an original license issued to a
18 camp, before operation, conveying that the camp is compliant with
19 all statutes and rules promulgated under this act.

20 (m) "Terms and conditions of sentencing" means all terms and
21 conditions of sentencing, parole, and probation for a conviction.
22 Terms and conditions of sentencing excludes the payment of fines,
23 costs, or restitution.

24 (n) "Travel camp" means a camp program that provides care and
25 supervision for 12 or more hours a day with overnight sleeping and
26 is not stationed at a specific campsite.

27 (o) "Willful noncompliance" means conduct that an applicant or
28 licensee knew or had reason to know was a violation of this act,
29 rules promulgated under this act, or the terms of a license.



1 (p) "Youth camper" means a child of at least 4 but less than
2 18 years of age who receives care and supervision.

3 Sec. 5. (1) The department must promulgate rules for the care
4 and supervision of campers according to the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 (2) The department shall promulgate rules under this section
7 only on the following standards and conduct:

8 (a) The operation and conduct of camps and the responsibility
9 the camps assume for care and supervision of a camper.

10 (b) The suitability, health, training, and qualifications of
11 applicants and other persons directly responsible for the care and
12 supervision of campers served.

13 (c) The general financial ability and competence of applicants
14 to provide necessary care and supervision for campers and to
15 maintain prescribed standards.

16 (d) The number of individuals or staff required to ensure
17 adequate care and supervision of the campers received.

18 (e) The appropriateness, safety, cleanliness, and general
19 adequacy of the premises, including maintenance of adequate fire
20 prevention and health standards to provide for the physical
21 comfort, care, and well-being of the campers received.

22 (f) Provisions for food, clothing, educational opportunities,
23 camp programs, equipment, and individual supplies to ensure the
24 healthy physical, emotional, and mental development of campers
25 served.

26 (g) Provisions to safeguard the legal rights of campers
27 served.

28 (h) Maintenance of records pertaining to admission, progress,
29 health, and discharge of campers.



- 1 (i) Requirements for filing reports with the department.
 2 (j) Appropriate behavior management of campers.
 3 (k) Standards for transportation safety.
 4 (l) The inspection process for camps with deemed status.

5 Sec. 6. (1) The rules promulgated by the department under this
 6 act apply to the department, the bureau of fire services, and local
 7 authorities in the inspection of and reporting on camps covered by
 8 this act. The inspection of camps must be completed by department
 9 staff, the bureau of fire services, or local authorities upon
 10 request of the department, or according to subsection (2).

11 (2) If an inspection is not conducted according to subsection
 12 (1), a person owning or operating or who proposes to own or operate
 13 a camp may enter a contract with a local authority or other person
 14 qualified by the department to conduct an inspection according to
 15 subsection (1) and pay for that inspection after an inspection is
 16 completed according to this subsection.

17 (3) Inspection reports completed by state agencies and local
 18 authorities must be furnished to the department and become a part
 19 of its evaluation for licensing of camps. After careful
 20 consideration of the reports and consultation where necessary, the
 21 department shall assume responsibility for the final determination
 22 of the issuance, denial, revocation, or provisional nature of
 23 licenses issued under this act. A report of findings must be
 24 furnished to the applicant or licensee.

25 Sec. 7. (1) Within 24 hours after a camp receives notice that
 26 a high-risk special investigation is being conducted by the
 27 department, the camp shall make a good-faith effort to make oral
 28 notification to each parent or guardian of 1 or more of the
 29 following:



1 (a) Children who were under the camp care and supervision at
2 the site and the time the incident being investigated occurred.

3 (b) If the individual being investigated is present at the
4 camp at the time of the investigation, children who have or will
5 come into contact with the individual being investigated as long as
6 that individual is present at the camp.

7 (2) The camp shall send written notification within 1 business
8 day after the initial good-faith attempt under subsection (1) of
9 oral notification. Written notification shall be given by 1 of the
10 following:

11 (a) Mail service.

12 (b) Facsimile transmission.

13 (c) Email.

14 (d) Text message.

15 (3) If the department determines that a camp is not complying
16 with either notification requirement in subsection (1) or (2), the
17 department may suspend the camp license.

18 (4) If, upon completion of the high-risk special
19 investigation, the department decides that there are no
20 substantiated rule violations, the department shall provide the
21 camp with written notification of that determination that the camp
22 may share with the parents or guardians described in subsection
23 (1).

24 Sec. 8. An inspection under this act must be unannounced,
25 unless the department, in its discretion, considers it necessary to
26 schedule an appointment for an inspection.

27 Sec. 9. The department shall provide consultation to camps to
28 assist them in meeting the requirements of this act and the rules
29 promulgated under this act. The department shall offer assistance,



1 training, and education, within fiscal limitations, upon request,
2 in developing methods for the improvement of service.

3 Sec. 10. (1) An individual or legal entity shall not establish
4 or maintain a camp unless licensed by the department. An
5 application for a license must be made on forms provided, and in
6 the manner prescribed, by the department. Before issuing or
7 renewing a license, the department shall investigate the
8 applicant's activities and proposed standards of care and
9 supervision and shall make an on-site visit of the proposed or
10 established camp as provided under section 17(3). Except as
11 otherwise provided under this subsection, if the department is
12 satisfied that the services and facilities are conducive to the
13 care and supervision of campers, the department shall issue or
14 renew the license, as applicable.

15 (2) Except as provided in section 11(6), the department shall
16 not issue or renew the license of a camp under this act if a
17 criminal history check required under section 11 has not been
18 completed. If a criminal history check performed under section 11
19 or information obtained because of notification from the department
20 of state police under section 13 reveals that a licensee, licensee
21 designee, administrator, or program director of a camp has been
22 convicted of an ineligible conviction, the department shall not
23 issue a license to that applicant. If a criminal history check
24 performed under section 11 or information obtained because of
25 notification from the department of state police under section 13
26 reveals that a licensee, licensee designee, administrator, or
27 program director seeking renewal of a license under this act has
28 been convicted of an ineligible crime, the department shall not
29 renew that license. If a criminal history check performed under



1 section 11 or information obtained because of notification from the
2 department of state police under section 13 reveals that a current
3 licensee has been convicted of an ineligible crime, the department
4 shall revoke the license of that licensee.

5 Sec. 11. (1) Except as provided in subsection (6), when 1 or
6 more of the following occurs, the department shall request the
7 department of state police to perform a criminal history check on
8 the individual, licensee, licensee designee, administrator, and
9 program director of the camp, as applicable:

10 (a) An individual or legal entity applies for a camp license
11 under section 10.

12 (b) A new licensee, licensee designee, administrator, or
13 program director of a camp is appointed.

14 (2) Each person applying for a license to operate a camp and
15 each person who may serve as a licensee designee, administrator, or
16 program director of the camp must give written consent at the time
17 of the license application for the department of state police to
18 conduct the criminal history check required under this section. The
19 department shall require the person to submit the person's
20 fingerprints to the department of state police and the Federal
21 Bureau of Investigation for the criminal history check described in
22 subsection (1).

23 (3) The department shall request a criminal history check
24 required under this section on a form and in the manner prescribed
25 by the department of state police.

26 (4) Within a reasonable time after receiving a complete
27 request by the department for a criminal history check on a person
28 under this section, the department of state police must conduct the
29 criminal history check and provide a report of the results to the



1 department. The report shall contain any criminal history record
2 information on the person maintained by the department of state
3 police and the Federal Bureau of Investigation.

4 (5) The department of state police may charge the licensee or
5 applicant a fee for a criminal history check required under this
6 section that does not exceed the actual and reasonable cost of
7 conducting the check.

8 (6) If a person, licensee, licensee designee, administrator,
9 or program director of a camp applying to renew a license to
10 operate a camp has previously undergone a criminal history check
11 required under subsection (1) and has remained continuously
12 affiliated with the same licensee after the criminal history check
13 has been performed and section 13 continues to apply, that person,
14 licensee, licensee designee, administrator, or program director of
15 a camp is not required to submit to another criminal history check
16 upon renewal of the license obtained under section 8.

17 (7) Application fees for an individual or legal entity
18 licensed or seeking licensure under this act for a temporary or
19 renewal license are as follows:

20 (a) Camp program..... \$120.00

21 (b) Campsite..... \$120.00

22 (8) The camp licensing fund is created in the department. The
23 money received from fees under this section must be deposited in
24 the camp licensing fund. The state treasurer shall direct the
25 investment of money in the fund and credit interest and earnings
26 from the investments to the fund.

27 (9) Money in the camp licensing fund at the close of the
28 fiscal year does not lapse to the general fund.

29 (10) The department is the administrator of the camp licensing



1 fund for audits of the fund. The department shall expend money from
2 the fund on appropriation to implement the licensing requirements
3 under this act.

4 Sec. 12. (1) Before a camp allows a staff member to have
5 unsupervised contact with a camper and at least annually
6 thereafter, the camp shall perform a background check on that staff
7 member using the department of state police's internet criminal
8 history access tool (ICHAT) or equivalent to check on that staff
9 member from the state or country of residence.

10 (2) If a search of the department of state police's ICHAT or
11 equivalent check on the individual or staff member from the state
12 or country of residence reveals that the staff member described in
13 subsection (1) has been convicted of a listed offense, the camp
14 shall rescind an offer of employment or terminate that employee's
15 employment. If a subsequent search of the department of state
16 police's ICHAT reveals that a current staff member has been
17 convicted of a listed offense, the camp shall not continue to
18 employ that individual.

19 (3) If a search of the department of state police's ICHAT or
20 equivalent check on the staff member from the state or country of
21 residence reveals that the staff member described in subsection (1)
22 has been convicted of any crime other than a listed offense, the
23 licensee or licensee designee shall complete a written evaluation
24 of each conviction. The evaluation must address the nature of the
25 conviction, the length of time since the conviction, and the
26 relationship of the conviction to the regulated activity to
27 determine whether the prospective staff member is suitable for
28 unsupervised access to campers.

29 (4) A camp may pass along the actual cost of a search of the



1 department of state police's ICHAT or equivalent check on that
2 person from the state or country of residence to the staff member
3 or applicant on whom the search is being performed.

4 Sec. 13. (1) The department of state police shall store and
5 retain all fingerprints submitted under this act in this state's
6 automated fingerprint identification system database that provides
7 for an automatic notification at the time a subsequent criminal
8 arrest fingerprint card submitted into the system matches a set of
9 fingerprints previously submitted in accordance with this act. Upon
10 that notification, the department of state police shall immediately
11 notify the department, and the department shall immediately contact
12 the respective camp with which that individual is associated. The
13 criminal history record information must only be released to the
14 individual to whom the criminal history record information
15 pertains. Information in the database retained under this section
16 is confidential, is not subject to disclosure under the freedom of
17 information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be
18 disclosed to any person except for purposes of this act or for law
19 enforcement purposes.

20 (2) When the department of state police is able to participate
21 with the Federal Bureau of Investigation's automatic notification
22 system similar to the system administered by the department of
23 state police under subsection (1), all fingerprints submitted to
24 the Federal Bureau of Investigation may be stored and retained.
25 When a subsequent criminal arrest fingerprint card submitted into
26 the system matches a set of fingerprints for an individual retained
27 in accordance with this act, the department of state police shall
28 immediately notify the department. The department shall immediately
29 contact the camp with which the individual is associated if a



1 conviction excludes an individual from employment. The criminal
2 history record information must be released only to the individual
3 to whom the criminal history record information pertains.

4 Sec. 14. (1) A person acting in good faith who makes a report,
5 cooperates in an investigation, or assists in any other requirement
6 of this act is immune from civil or criminal liability that might
7 otherwise be incurred by that action. A person making a report or
8 assisting in any other requirement of this act is presumed to have
9 acted in good faith. This immunity from civil or criminal liability
10 extends only to an act performed according to this act for
11 reporting a potential violation or assisting or cooperating with
12 the department in an investigation conducted by the department.
13 Except as provided in section 20(3), the identity of a person
14 making a report and cooperating with or assisting the department
15 relative to that report under this act is confidential, subject
16 only to disclosure with the consent of that person or by judicial
17 process.

18 (2) If the department receives a complaint by an individual
19 remaining anonymous, the department may take no action on the
20 complaint if the complaint does not include sufficient information
21 to reasonably investigate.

22 (3) A person who intentionally makes a false report to the
23 department regarding a camp that causes the department to initiate
24 a high-risk special investigation for which the camp is required to
25 send notice under section 7 is guilty of a crime as follows:

26 (a) If the incident reported would not constitute a crime or
27 would constitute a misdemeanor if the report were true, the person
28 is guilty of a misdemeanor punishable by imprisonment for not more
29 than 93 days or a fine of not more than \$100.00, or both.



1 (b) If the incident reported would constitute a felony if the
 2 report were true, the person is guilty of a felony punishable by
 3 the lesser of the following:

4 (i) The penalty for the incident falsely reported.

5 (ii) Imprisonment for not more than 4 years or a fine of not
 6 more than \$5,000.00, or both.

7 Sec. 15. (1) The department shall issue a temporary license
 8 for a camp upon approving a new application. A new camp must
 9 receive a temporary license before operation. The temporary license
 10 expires on August 31 following the issuance of the license. The
 11 renewal of a temporary license is contingent on the submission of a
 12 renewal application, fee, and approval by the department.

13 (2) At the completion of the temporary license period, the
 14 department shall issue a regular license, refuse to issue a license
 15 as provided in section 19, or issue a provisional license as
 16 provided under section 16(3).

17 (3) If an existing camp program relocates to a new address, a
 18 temporary license is not required, and a new license may be issued
 19 at the department's discretion at the new address.

20 Sec. 16. (1) A provisional license may be issued to a camp
 21 that is temporarily unable to conform to this act or the rules
 22 promulgated under this act. The issuance of a provisional license
 23 is contingent on the submission to the department of an acceptable
 24 plan to overcome the deficiency present in the camp within the time
 25 limitations of the provisional licensing period.

26 (2) A provisional license expires on August 31 following the
 27 date the provisional license was issued and may be issued not more
 28 than 2 consecutive times. The renewal of a provisional license is
 29 contingent on the submission of a new application, fee, and



1 approval by the department. At the end of the provisional license,
 2 the department shall either issue a regular license, refuse to
 3 renew the license as provided in section 21, or modify to a second
 4 provisional license under this section.

5 (3) The department may modify the regular license of a camp to
 6 a provisional license if the licensee is in willful noncompliance
 7 and substantial noncompliance with this act, the rules promulgated
 8 under this act, or the terms of the license. A license cannot be
 9 modified unless the licensee is given written notice of the grounds
 10 of the proposed modification. If the proposed modification is not
 11 appealed, the license will be modified. The proposed modification
 12 must be appealed within 30 days after receipt by writing the
 13 director or director's designee. Upon receipt of the appeal, the
 14 director or director's designee must initiate the provisions of
 15 chapters 4 and 5 of the administrative procedures act of 1969, 1969
 16 PA 306, MCL 24.271 to 24.292. Notice of a hearing must be given to
 17 the licensee by personal service or delivery to the proper address
 18 by certified mail not less than 2 weeks before the date of the
 19 hearing. The decision of the director must be made as soon as
 20 practicable after the hearing and forwarded to the licensee by
 21 certified mail not more than 10 days after that. The formal notice
 22 and hearing requirement in this subsection does not apply if the
 23 licensee and the department comply with subsection (4).

24 (4) The department may immediately modify a license without
 25 providing written notice of the grounds of the proposed action or
 26 giving the licensee 30 days to appeal if the licensee, in writing,
 27 does the following:

28 (a) Waives the requirement that the department provide written
 29 notice of the grounds for the proposed action.



1 (b) Waives the 30-day time frame in which to submit a written
2 appeal to the proposed action.

3 (c) Waives the right to implement the provisions of chapters 4
4 and 5 of the administrative procedures act of 1969, 1969 PA 306,
5 MCL 24.271 to 24.292.

6 Sec. 17. (1) A regular license is effective for not more than
7 1 year and expires on August 31 following the date the regular
8 license is issued, except that a regular license may be revoked or
9 renewal may be denied as provided in section 19, or may be modified
10 to a provisional license as provided in section 14. The department
11 will renew a regular license, if approved, following an application
12 and payment of the applicable fee.

13 (2) The department may accept a licensee's written request to
14 close a license if the department does not have an active
15 investigation against the licensee or is not pursuing revocation or
16 refusal to renew as provided in section 21.

17 (3) The department shall periodically assess a camp's
18 continued compliance with this act and the rules promulgated under
19 this act. The department shall make an on-site inspection of a camp
20 at least once every 2 years.

21 Sec. 18. A license must be issued to a specific licensee at a
22 specific location, is nontransferable, and remains the property of
23 the department.

24 Sec. 19. (1) A licensee, licensee designee, administrator, or
25 program director of a camp shall not be present in a camp if the
26 licensee, licensee designee, or administrator has been convicted of
27 either of the following:

28 (a) A listed offense.

29 (b) An ineligible crime.



1 (2) A staff member shall not have contact with campers who are
2 in the care and supervision of a camp if the staff member has been
3 convicted of either of the following:

4 (a) Child abuse under section 136b of the Michigan penal code,
5 1931 PA 328, MCL 750.136b, or neglect under section 145 of the
6 Michigan penal code, 1931 PA 328, MCL 750.145.

7 (b) A felony involving harm or threatened harm to an
8 individual within the 10 years immediately preceding the date of
9 hire or appointment.

10 (3) A licensee, licensee designee, administrator, program
11 director, or staff member who is 18 years of age or older may not
12 have contact with a camper who is in the care of a camp, until the
13 licensee, licensee designee, administrator, program director, or
14 staff member provides the camp with documentation from the
15 department that the staff member has not been named in a central
16 registry case as the perpetrator of child abuse or child neglect.
17 At least once every 5 years, a licensee, licensee designee,
18 administrator, program director, or staff member shall provide the
19 department with an updated authorization for central registry
20 clearance. If an updated central registry clearance documents that
21 a licensee, licensee designee, administrator, program director, or
22 staff member is named as a perpetrator in a central registry case,
23 the staff member may not be present in the camp. As used in this
24 subsection, "child abuse" and "child neglect" mean those terms as
25 defined in section 2 of the child protection law, 1975 PA 238, MCL
26 722.622.

27 (4) A camp shall establish and maintain a policy regarding
28 supervision of guests, including those who are parents or guardians
29 of a camper receiving care and supervision at the camp.



1 Sec. 20. (1) The department may investigate, inspect, and
 2 examine conditions of a camp and may investigate and examine the
 3 licensee's books and records. The licensee must cooperate with the
 4 department's investigation, inspection, and examination by doing
 5 all of the following:

6 (a) Admitting members of the department into the camp, which
 7 includes access to all facilities at the camp, and access to the
 8 camp's books, records, reports, and any other document necessary to
 9 show compliance with this act and rules promulgated under this act.

10 (b) Allowing the department to perform routine investigative
 11 functions during an investigation, inspection, or examination.
 12 Routine investigative functions include, but are not limited to,
 13 interviewing potential witnesses, such as staff, guests, and
 14 campers, and taking photographs to assess and document the
 15 conditions of the camp and its compliance with this act and the
 16 rules promulgated under this act.

17 (c) Providing accurate and truthful information to the
 18 department, and encouraging witnesses, such as staff members and
 19 guests, to provide accurate and truthful information to the
 20 department.

21 (2) The licensee shall allow the department, the bureau of
 22 fire services, or local authorities access to the camp to carry out
 23 the provisions of this act and rules promulgated under this act
 24 related to the health or fire protection of campers.

25 (3) A licensee shall keep the records the department
 26 prescribes regarding each camper in its care and supervision and
 27 shall report to the department, if requested, the facts the
 28 department requires with reference to the campers. Except as
 29 otherwise provided in this subsection and subsection (4), records



1 regarding campers and facts compiled about campers and their
 2 parents and guardians are confidential, and disclosure of this
 3 information must be properly safeguarded by the camp, the
 4 department, and any other entity in possession of the information.
 5 The department may release available records that are confidential
 6 under this section to 1 or more of the following:

7 (a) A standing or select committee or appropriations
 8 subcommittee of the senate or house of representatives having
 9 jurisdiction of protective services matters for children, according
 10 to section 7 of the child protection law, 1975 PA 238, MCL 722.627.

11 (b) The children's ombudsman established in section 3 of the
 12 children's ombudsman act, 1994 PA 204, MCL 722.923.

13 (c) An employee of an agency, bureau, division, or other
 14 entity within the department or other investigative governmental
 15 agency but only to the extent necessary.

16 (4) Notwithstanding subsection (3) and sections 5 and 7(2) of
 17 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,
 18 information or records in the possession of the department or the
 19 department of health and human services may be shared to the extent
 20 necessary for the proper functioning of the department or the
 21 department of health and human services in administering camp
 22 licensure under this act or in an investigation conducted under
 23 section 43b of the social welfare act, 1939 PA 280, MCL 400.43b.
 24 Information or records shared under this subsection must not be
 25 released by the department or the department of health and human
 26 services unless otherwise permitted under this act or other state
 27 or federal law. Neither the department nor the department of health
 28 and human services shall release or open for inspection any
 29 document, report, or record authored by or obtained from another



1 agency or organization unless 1 of the conditions of section 7(5)
2 of the child protection law, 1975 PA 238, MCL 722.627, applies.

3 (5) The department may suspend, deny, revoke, or refuse to
4 renew a license of the camp if the licensee does not cooperate with
5 an investigation, inspection, or examination under this section.

6 Sec. 21. (1) The department may deny, revoke, or refuse to
7 renew a license of a camp if the licensee or applicant falsifies
8 information on the application or is in willful noncompliance and
9 substantial noncompliance with this act, the rules promulgated
10 under this act, or the terms of the license. A license must not be
11 revoked, a renewal of a license must not be refused, or an
12 application for a license must not be denied, unless the licensee
13 or applicant is given notice in writing of the grounds of the
14 proposed revocation, denial, or refusal. If revocation, denial, or
15 refusal is appealed within 30 days after receipt of the notice by
16 writing addressed to the department director, the department
17 director or the director's designee shall conduct a hearing at
18 which the licensee or applicant may present testimony and confront
19 witnesses. If the proposed revocation, refusal, or denial is not
20 appealed, the license must be revoked, the license must be refused
21 renewal, or the application must be denied. The proposed
22 revocation, refusal, or denial must be appealed within 30 days
23 after receipt by writing the department director or the director's
24 designee. Upon receipt of the written appeal, the department
25 director or the director's designee must initiate the provisions of
26 chapters 4 and 5 of the administrative procedures act of 1969, 1969
27 PA 306, MCL 24.271 to 24.292. Notice of the hearing must be given
28 to the licensee or applicant by personal service or delivery to the
29 proper address by certified mail not less than 2 weeks before the



1 date of the hearing. The director's decision must be made as soon
 2 as practicable after the hearing and forwarded to the licensee or
 3 applicant by certified mail not more than 10 days after that. The
 4 formal notice and hearing requirements in this subsection do not
 5 apply if the licensee or applicant and the department comply with
 6 the provisions of subsection (2).

7 (2) The department may immediately revoke or refuse to renew a
 8 license or deny an application for a license without providing
 9 written notice of the grounds of the proposed action or giving the
 10 licensee or applicant 30 days to appeal if the licensee or
 11 applicant, in writing, does the following:

12 (a) Waives the requirement that the department provide written
 13 notice of the grounds for the proposed action.

14 (b) Waives the 30-day time frame in which to submit a written
 15 appeal to the proposed action.

16 (c) Waives the right to implement the provisions of chapters 4
 17 and 5 of the administrative procedures act of 1969, 1969 PA 306,
 18 MCL 24.271 to 24.292.

19 (3) The director or the director's designee may issue a
 20 subpoena to do either of the following:

21 (a) Compel the attendance of a witness to testify at a
 22 contested case hearing.

23 (b) Produce books, papers, documents, or other items relevant
 24 to the investigation or hearing.

25 (4) If a subpoena is disobeyed, the director or the director's
 26 designee may petition the circuit court to require the attendance
 27 of a witness or the production of books, papers, documents, or
 28 other items. The circuit court may issue an order requiring a
 29 person to appear and give testimony or produce books, papers,



1 documents, or other items. Failure to obey the order of the circuit
2 court may be punished by the court as a contempt of court.

3 (5) A person, agency, or representative or officer of a firm,
4 a corporation, an association, or an organization that has a
5 license revoked, application denied, or renewal refused may be
6 refused a license, or be prohibited from being connected, directly
7 or indirectly, with a licensee for a period of not less than 5
8 years after the revocation, denial, or refusal to renew. The
9 department, in its discretion, may reject an application from a
10 person, agency, or representative or officer of a firm, a
11 corporation, an association, or an organization described in this
12 subsection. The department may reject the application on its face
13 without taking further action after notifying the applicant of the
14 rejection and the reason for the rejection.

15 Sec. 22. A person aggrieved by the decision of the director
16 following a hearing under section 16 or 21 may appeal as provided
17 in chapter 6 of the administrative procedures act of 1969, 1969 PA
18 306, MCL 24.301 to 24.306.

19 Sec. 23. (1) The department may bring an action for injunctive
20 relief in the circuit court for the county in which the person
21 resides, in which the unlicensed operation is located, or in the
22 circuit court for Ingham County, to enjoin a violation or
23 threatened violation of this act or a rule promulgated under this
24 act. An affidavit of an individual who is personally familiar with
25 the basis of noncompliance must be filed with the action for
26 injunctive relief.

27 (2) If an investigation discloses an imminent threat to the
28 public health, safety, or welfare, or the well-being of a camper is
29 endangered, the department may obtain an injunction to restrain or



1 prevent a person from acting in a manner that threatens the public
 2 health, safety, or welfare, or to compel a person to affirmatively
 3 take reasonable corrective action. Before obtaining an injunction
 4 as provided by this subsection, the department must obtain an
 5 affidavit by a person familiar with the facts set forth in the
 6 affidavit, or, if appropriate, based upon an affidavit, that an
 7 imminent threat to the public health, safety, or welfare exists or
 8 the well-being of a camper is endangered. The department is not
 9 required to provide warning to the person before obtaining an
 10 injunction under this section. The department is not required to
 11 demonstrate an imminent threat to the public health, safety, or
 12 welfare or camper endangerment if the person is operating a camp
 13 without a license.

14 (3) If the department is successful in obtaining an injunction
 15 as provided in this section, the department is entitled to actual
 16 costs and attorney fees for maintaining the action.

17 Sec. 24. (1) A parent or guardian of a camper who voluntarily
 18 places the camper in camp shall provide a statement signed by the
 19 parent or guardian that authorizes the camp to consent to emergency
 20 medical and surgical treatment of the camper and consent to
 21 routine, nonsurgical medical care. If there is a religious
 22 objection to consenting to the receipt of emergency medical or
 23 surgical treatment, the parent or guardian shall submit a written
 24 statement to the effect that the camper is in good health and that
 25 the parent or guardian assumes the health responsibility for the
 26 camper.

27 (2) As used in this section, "routine, nonsurgical medical
 28 care" does not include contraceptive treatment, services,
 29 medication, or devices.



1 Sec. 25. A rule adopted under this act may not authorize or
2 require a medical examination, immunization, or treatment for a
3 camper whose parent or guardian objects on religious grounds to the
4 medical examination, immunization, or treatment.

5 Sec. 26. (1) If the conditions under subsection (2) are met,
6 notwithstanding any camp policy to the contrary, a camper may
7 possess and use 1 or more of the following at the camp, on camp-
8 sponsored transportation, or at any activity, event, or camp
9 program sponsored by the camp or in which the camper is
10 participating:

11 (a) A metered dose inhaler or a dry powder inhaler to
12 alleviate asthmatic symptoms or for use before exercise to prevent
13 the onset of asthmatic symptoms.

14 (b) An epinephrine auto-injector or epinephrine inhaler to
15 treat anaphylaxis.

16 (2) Subsection (1) applies to a camper if all of the following
17 conditions are met:

18 (a) The camper has written approval to possess and use the
19 inhaler or epinephrine auto-injector as described in subsection (1)
20 from the camper's physician or other health care provider
21 authorized by law to prescribe an inhaler or epinephrine auto-
22 injector and from the camper's parent or guardian.

23 (b) The director or other administrator of the camp has
24 received a copy of each written approval required under subdivision
25 (a) for the camper.

26 (c) There is on file at the camp a written emergency care plan
27 that contains specific instructions for the camper's needs, that is
28 prepared by a licensed physician in collaboration with the camper
29 and the camper's parent or guardian, and that is updated as



1 necessary for changing circumstances.

2 (3) A camp or an owner, director, or staff member of a camp is
3 not liable for damages in a civil action for injury, death, or loss
4 to person or property allegedly arising from either of the
5 following:

6 (a) A staff member of the camp having prohibited a camper from
7 using an inhaler or epinephrine auto-injector because the
8 conditions prescribed in subsection (2) had not been satisfied.

9 (b) A staff member of the camp having permitted a camper to
10 use or possess an inhaler or epinephrine auto-injector because the
11 conditions prescribed in subsection (2) had been satisfied.

12 (4) This section does not eliminate, limit, or reduce any
13 other immunity or defense that a camp or an owner, director, or
14 staff member of a camp may have under other state law.

15 (5) A camp may request a camper's parent or guardian to
16 provide an extra inhaler or epinephrine auto-injector to designated
17 camp personnel for use in case of emergency. A parent or guardian
18 is not required to provide an extra inhaler or epinephrine auto-
19 injector to camp personnel.

20 (6) A director or other administrator of a camp who is aware
21 that a camper possesses an inhaler or epinephrine auto-injector as
22 authorized under this section shall notify each staff member who
23 supervises the camper of that fact and of the provisions of this
24 section.

25 Sec. 27. (1) Except as provided in subsection (2), a person
26 that violates this act is guilty of a misdemeanor punishable by a
27 fine of not less than \$500.00 or more than \$5,000.00.

28 (2) If a licensee, licensee designee, administrator, or
29 program director of a camp intentionally violates a rule



1 promulgated under this act and that violation causes the death of a
2 child, the department shall permanently revoke the license.

3 (3) If a person is convicted under subsection (1), the
4 conviction is sufficient ground for the revocation of that person's
5 license, and the person that was convicted shall not be granted a
6 license, or be permitted to be connected, directly or indirectly,
7 with a camp licensee for a period of not less than 5 years after
8 the conviction.

9 (4) The department may refuse to issue a license to or refuse
10 to accept an application from an individual or legal entity seeking
11 to become licensed, a licensee designee, an administrator, or a
12 program director of the camp that had a license revoked,
13 application denied, or renewal refused within the 5 years
14 immediately preceding the application. The department may reject
15 the application described under this subsection on its face without
16 taking further action after notifying the applicant of the
17 rejection and the reason for the rejection.

